

Under the Gold Dome

District 149 Legislative Update – Week 12 — 2018



Victims Rights

We began our last week by unanimously passing two measures which work to protect victims' rights. The first, Senate Bill 127, will provide a process for victims to be heard by the court when their constitutional rights to participation and information have been denied. Under the bill, a victim can file a motion to be heard on the matter within 20 days after the claimed violation.

Senate Resolution 146, also known as Marsy's Law, is the companion legislation to SB 127 and would place a constitutional amendment on the November ballot to provide victims explicit rights in our state Constitution. If approved by voters, Georgia's Constitution will grant victims' several rights including:

- Reasonable, accurate and timely notice of any court proceedings or schedule changes involving the alleged crime.
- Timely notice of the arrest, release or escape of the accused.
- The opportunity to be heard in any proceedings involving the release, plea or sentencing of the accused

Sexual Assault Measures

To crack down on cases of sexual assault, we passed Senate Bill 154. This bill holds those in positions of authority accountable for sexual misconduct by defining what constitutes as first and second-degree offenses. SB 154 applies to the following organizations, who employ individuals in positions of trust such as schools, mental treatment centers, nursing home facilities, addiction treatment centers and law enforcement correctional facilities.

The definition and penalties of second degree sexual assault under the bill are as follows:

- Those who engage in sexual conduct and knew or should have known the victim was under the care or supervision of such individuals.
- Prison sentence of one to five years
- Fined a maximum of \$25,000
- Not required to register as a sex offender unless convicted of a second offense

The definition and penalties for sexual assault in the first degree are as follows:

- Anyone who engages in sexually explicit conduct with a victim under their direct care or supervision
- Prison sentence requirement of one to 25 years
- Maximum fine of \$100,000
- Must register as a sex offender

Child Support Update

State child support laws now mirror federal requirements with the passage of Senate Bill 427. Under the bill, courts will now consider earnings, income and ability to pay child support for those ordered to do so. If a parent fails to produce evidence of their earnings, then income for the current year may be used in hearings. Furthermore, if the parent is incarcerated, their income may be assigned based off actual income and assets available, not pre-incarceration wages. SB 427 also prohibits courts from treating incarceration as voluntary unemployment when setting the child support amount. Further, the bill also provides that a

Criminal Justice Reform

We continue to change the landscape of our criminal justice system through the passage of Senate Bill 407. SB 407 is a comprehensive bill which includes updates to Georgia's bail system, requiring courts only impose conditions necessary. Courts will now consider the accused's financial resources when determining bail. In local ordinance violations, courts are authorized to allow the defendant to satisfy fines through community service or waive fees all together if it is found that the accused is suffering significant financial hardship. Further requirements of SB 407 are as follows:

- Development of uniform citation and complaint forms for use by law enforcement officials.
- Allows misdemeanors to be prosecuted by accusation, citation or arrest.
- Expands the list of misdemeanor crimes an officer can arrest by citation.
- Requires officers to review the accused's criminal record and obtain fingerprints prior to release.
- Authorizes accountability court judges to order DDS to reinstate or revoke driver's licenses as a reward or sanction for actions in accountability court.
- Allows courts to grant petitions for early termination of probation under certain conditions.
- Caps supervision fees collected on pay-only probation
- Authorizes DCH to share prescription drug monitoring database with federal agents and certain out-of-state monitoring programs.
- Allows Technical College System police officers to arrest for offenses committed on or within 500 feet of a Technical College System property.

Education

Educational options for our students is a top priority as we approved Senate Bill 401. This bill requires postsecondary institutions, providing dual credit courses, to submit student record participation data to the Office of Student Achievement in order to measure and evaluate the program on an annual basis. The bill also requires that middle school students be provided with counseling and information to assist in evaluating their career orientated aptitudes. Further, all students will develop a graduation plan based on their academic skills, career orientated aptitudes and career interests before the end of eighth grade. Beginning the 2018-19-year, advisement and counseling for high school students will include career-oriented aptitude and career interest guidance. The bill also allows funding for students taking dual credit courses at eligible postsecondary institutions utilizing nonstandard term systems, such as Georgia Military College.

Rural Broadband Efforts

The last week of session also brought forth more legislation regarding rural broadband. House Resolution 1698 urges the House Rural Development Council (RDC) to explore ways to use of public rights-of-ways while preserving local control and fair compensation. The resolution also urges the RDC to examine new pole rates, rentals and pole ownership to level the playing field among communication service providers. Senate Bill 426 authorizes electric membership corporations (EMC) to supply and operate broadband services in rural counties with a population of 50,000 or less if the EMC secures a certificate of authority from the Public Service Commission.